

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 9, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Street and Alley vacation #04008

**PROPOSAL:** Vacate 21<sup>st</sup> Street between “Y” Street and the abandoned Missouri Pacific Railroad right-of-way.

**LOCATION:** 21<sup>st</sup> and “Y” Streets.

**LAND AREA:** 15,000 square feet, more or less.

**CONCLUSION:** Until such time as questions of right-of-way ownership in the area are answered, this item should be Denied.

<b><u>RECOMMENDATION:</u></b>	Denial
However, if Applicant can show the property immediately south and adjacent to this petition is not public right-of-way, Planning Staff will recommend Approval.	

### **GENERAL INFORMATION:**

#### **LEGAL DESCRIPTION:**

North 21<sup>st</sup> Street from the south line of “Y” Street right-of-way to the north boundary of the abandoned Missouri Pacific Railroad right-of-way, located in Section 24 T10N R6E, Lancaster County, Nebraska.

#### **SURROUNDING LAND USE AND ZONING:**

North:	Single-family residential, Commercial	I-1 Industrial
South:	Former Cushman site	I-1 industrial
East:	Parking lot	I-1 Industrial
West:	Industrial, Parking lot	I-1 Industrial

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan identifies this area as Industrial. (F 25)

**UTILITIES:** LES and the Public Works and Utilities Department have facilities within this right-of-way area.

**TRAFFIC ANALYSIS:** Although this portion of North 21<sup>st</sup> Street is improved, it dead-ends at the former Cushman property. This right-of-way is not necessary for traffic purposes.

**ANALYSIS:**

1. This is a petition to vacate 21<sup>st</sup> Street between “Y” Street and the abandoned Missouri Pacific Railroad right-of-way. This right-of-way will be used for private parking area.
2. There is some doubt as to the ownership of the railroad right-of-way adjacent to this request. City records indicate public right-of-way extends south of this request across the old railroad right-of-way. However, County records indicate the public right-of-way ends at the old railroad right-of-way.
3. Assuming City records are accurate, this petition should be denied since it will create a section of public right-of-way without access. Assuming County records are accurate, this petition may move forward. Planning Staff recommends denial based upon City records. At such time as Applicant can demonstrate County records are accurate, Staff will recommend approval.
4. This vacation will create lots without frontage or access to a public street. As a condition of approval, a final plat should be submitted creating lots conforming to the subdivision ordinance.
5. Should this right-of-way be vacated, the existing street return must be removed and replaced with curb and gutter. A bond in the amount of \$5,000 should be provided to guarantee this work.
6. Easements must be retained for existing and future utilities.
7. The applicant has expressed an intent to purchase the right-of-way if vacated.
8. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.
9. As of the date of this report, City staff is working to resolve the ownership issue for the old railroad right-of-way. Planning staff intends to have a resolution prior to June 9, and if so, will revise the recommendation according to this Analysis.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL  
AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 Satisfy the provisions of Chapter 14.20 of the Lincoln Municipal Code.
- 1.2 Post a bond in the amount of \$5,000 to guarantee the removal of the existing street return and construction of new curb and gutter.

- 1.3 The abutting owners must submit a final plat creating lots that front on and have access to public streets or private roadways. All requirements of the final plat must be completed except the transfer of ownership of the vacated street to the subdividers.
- 1.4 Retain an easement over the entire vacated area for existing and future utilities.

Prepared by:

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**Date:** May 26, 2004

**Applicant:** B & J Partnership, Ltd.  
**and** 340 Victory Lane  
**Owner:** Lincoln, NE 68528

**Contact:** J. Michael Rierden  
645 M Street, Suite 200  
Lincoln, NE 68508  
476.2413



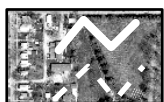
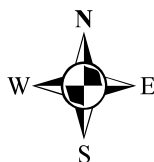
2002 aerial

## Street & Alley Vacation #04008 N. 21st & 'Y' St.

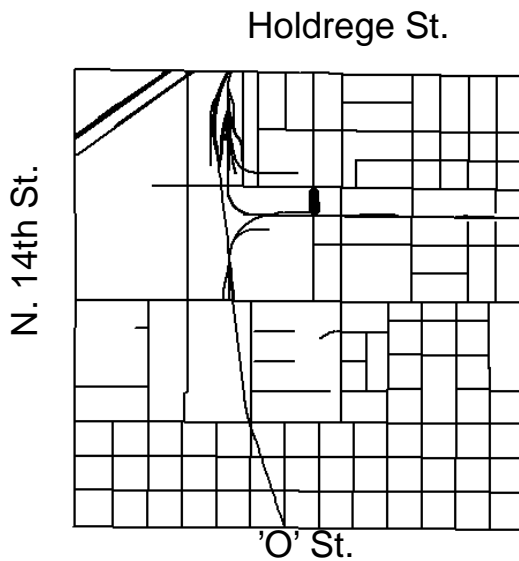
### Zoning:

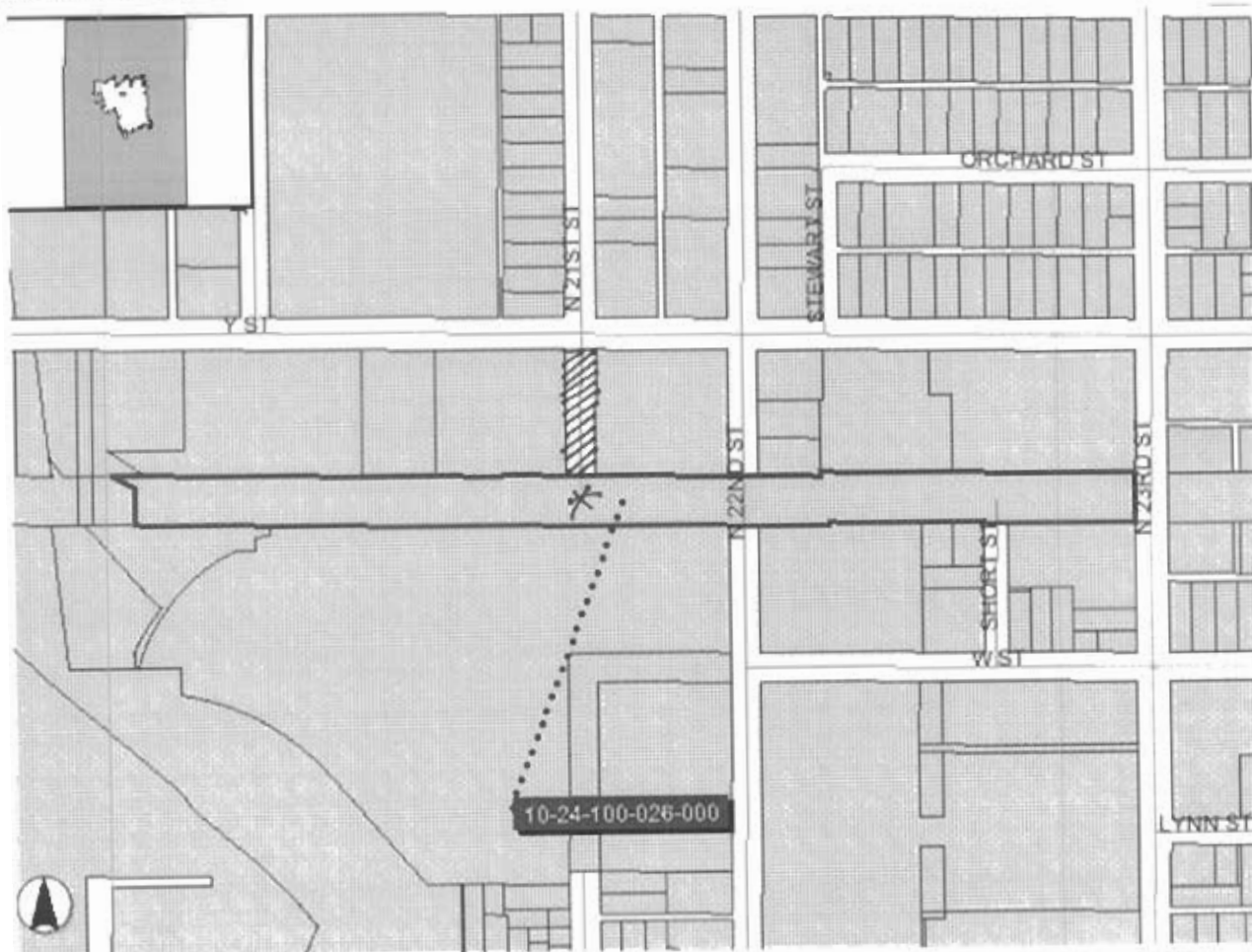
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec.24 T10N R6E



Zoning Jurisdiction Lines  
City Limit Jurisdiction





/// REQUEST TO VACATE

\* OUTLINED PARCEL IS OLD  
RAILROAD RIGHT-OF-WAY,  
NOW OWNED BY LINCOLN  
LUMBER CO.



